

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

INACOM CORP., et al.

Plaintiffs

v.

TECH DATA CORP.

Defendant

Civil Action No. 04-CV-148 (GMS)

INACOM CORP., et al.

Plaintiffs

v.

DELL COMPUTER CORP.

Defendant

Civil Action No. 04-CV-582 (GMS)

INACOM CORP., et al.

Plaintiffs

v.

LEXMARK INTERNATIONAL, INC.

Defendant

Civil Action No. 04-CV-583 (GMS)

DKT. NO.

36

DT. FILED

5/10/05

INACOM CORP., et al.

Plaintiffs

v.

INGRAM ENTERTAINMENT INC.

Defendant

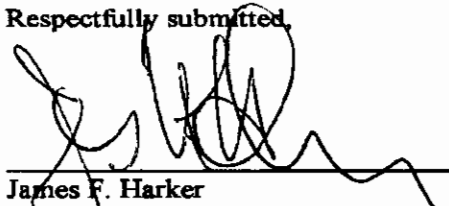
Civil Action No. 04-CV-593 (GMS)

**DEFENDANTS' MOTION FOR THE COURT TO CONSOLIDATE
FOR TRIAL, PURSUANT TO FRCP 42(a), FOUR ACTIONS PENDING
ON THE COURT'S DOCKET**

Defendants Tech Data Corp., Dell Computer Corp., Lexmark International, Inc. and Ingram Entertainment Inc. move the Court, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, to consolidate for trial the four actions referenced in the caption of this motion on the grounds that the actions involve common questions of law and fact, and consolidation will result in a savings of the Court's time and the litigants' time and money. A memorandum of law in support of the motion has been tendered.

Dated: May 10, 2005

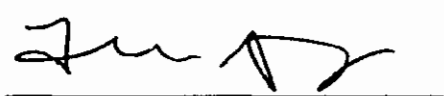
Respectfully submitted,


James F. Harker
Herlihy, Harker & Kavanaugh
1400 North Market Street, Suite 200
P.O. Box 1597
Wilmington, Delaware 19899

and

Charles M. Tatelbaum
Stephen C. Hunt
Adorno & Yoss, L.L.P.
350 East Las Olas Blvd., 17th Floor
Fort Lauderdale, Florida 33301


Attorneys for Defendant
Tech Data Corp.


Thomas G. Whalen Jr. (No. 4034)
Stevens & Lee, P.C.
1105 North Market Street, 7th Floor
Wilmington, Delaware 19801
Tel: (302) 425-3307
Fax: (302) 654-5181

and

Culver V. Halliday
Emily L. Pagorski
Stoll, Keenon & Park, LLP
2650 AEGON Center
400 West Market Street
Louisville, Kentucky 40202-3377
Tel: (502) 568-9100
Fax: (502) 568-5700

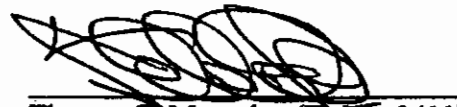
Attorneys for Defendant
Lexmark International, Inc.


Patricia P. McGonigle #3126
Seitz, Van Ogtrop & Green, P.A.
222 Delaware Avenue, Suite 1500
P.O. Box 68
Wilmington, Delaware 19899

and

Sabrina L. Streusand
G. James Landon
Texas State Bar No. 11701700
Hughes & Luce, L.L.P.
111 Congress Avenue, Suite 900
Austin, Texas 78701

Attorneys for Defendant
Dell Computer Corp.


Thomas G. Macaulay (ID No. 3411)
Zuckerman Spaeder LLP
919 Market Street, Suite 990
P.O. Box 1028
Wilmington, Delaware 19899-1028
Tel.: (302) 427-0400
Fax: (302) 427-8242

and

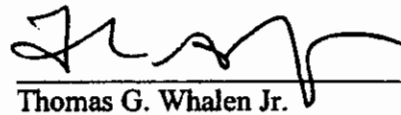
Jonathan P. Hersey
Bingham McCutchen LLP
600 Anton Blvd., 18th Floor
Costa Mesa, California 92626

Attorneys for Defendant
Ingram Entertainment Inc.

CERTIFICATION OF COUNSEL FOR LEXMARK

Pursuant to Rule 7.1.1 of the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware, I hereby certify that counsel for Defendant Lexmark International, Inc. has made a reasonable effort to reach agreement with opposing attorneys on the matters set forth in the motion, and has been unable to reach such agreement.

Dated: May 10, 2005



Thomas G. Whalen Jr.

X:\Bankruptcy\Lexmark - 4155\Inacom - 111997\ELP\Consolidation Motion Draft.doc

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

INACOM CORP., et al.

Plaintiffs

v.

TECH DATA CORP.

Defendant

Civil Action No. 04-CV-148 (GMS)

INACOM CORP., et al.

Plaintiffs

v.

DELL COMPUTER CORP.

Defendant

Civil Action No. 04-CV-582 (GMS)

INACOM CORP., et al.

Plaintiffs

v.

LEXMARK INTERNATIONAL, INC.

Defendant

Civil Action No. 04-CV-583 (GMS)

INACOM CORP., et al.

Plaintiffs

v.

INGRAM ENTERTAINMENT INC.

Defendant

Civil Action No. 04-CV-593 (GMS)

**ORDER GRANTING DEFENDANTS' MOTION FOR THE COURT TO
CONSOLIDATE FOR TRIAL, PURSUANT TO FRCP 42(a), FOUR
ACTIONS PENDING ON THE COURT'S DOCKET**

Upon the motion of Defendants Tech Data Corp., Dell Computer Corp., Lexmark International, Inc. and Ingram Entertainment Inc. (collectively "Defendants") to consolidate for trial, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, the four actions referenced in the caption, the Court being duly and sufficiently advised,

IT IS ORDERED that Defendants' motion to consolidate is granted.

Dated: _____, 2005.

Gregory M. Sleet, Judge
United States District Court
District of Delaware

X:\Bankruptcy\Lexmark - 4155\Inacom - 111997\ELP\Consolidation Order Draft.doc

CERTIFICATE OF SERVICE

Thomas G. Whalen, Jr. hereby certifies that on May 10, 2005 a true and correct copy of the foregoing *DEFENDANTS' MOTION FOR THE COURT TO CONSOLIDATE FOR TRIAL, PURSUANT TO FRCP 42(a), FOUR ACTIONS PENDING ON THE COURT'S DOCKET* was served upon the following counsel of record, each via regular United States first class mail:

William H. Sudell, Jr., Esquire
Derek C. Abbott, Esquire
Morris, Nichols, Arsht & Tunnell
1201 North Market Street
Wilmington, Delaware 19899-1347

and

Cecily Dumas, Esquire
Friedman Dumas & Springwater, LLP
One Maritime Plaza, Suite 2475
San Francisco, California 94111

*Counsel for Third-Party Defendant
Compaq Computer Corporation*

William J. Burnett
Blank Rome LLP
1201 North Market Street, Suite 800
Wilmington, Delaware 19801-4226

and

Earl M. Forte
Blank Rome LLP
One Logan Square
18th & Cherry Streets
Philadelphia, Pennsylvania 19103-6998


*Counsel for Statutory Committee
of Unsecured Creditors of InaCom Corp.*

Laura Davis Jones, Esquire
Sandra McLamb, Esquire
Pachulski, Stang, Ziehl, Young,
Jones & Weintraub P.C.
919 North Market Street, 16th Floor
Wilmington, Delaware 19899

and

Andrew W. Caine, Esquire
Jeffrey P. Nolan, Esquire
Pachulski, Stang, Ziehl, Young,
Jones & Weintraub P.C.
10100 Santa Monica Boulevard, 11th Floor
Los Angeles, California 90067

*Counsel for Plaintiff
InaCom Corp.*


Thomas G. Whalen, Jr.